



Senegal

Country Reports on Human Rights Practices - [2003](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 25, 2004

Senegal is a moderately decentralized republic dominated by a strong presidency. In March 2000, Abdoulaye Wade, backed by a coalition of opposition parties, became President in an election viewed as both free and fair. In January 2001, 94 percent of the voters approved a new constitution that abolished the Senate, a body that had no directly elected members. Wade's Sopi (Change) Coalition, composed of the Senegalese Democratic Party (PDS) and its allies, has 89 of 120 seats in the National Assembly and controls the majority of rural, regional, and city councils. The Government continued to implement decentralized regional and local administrations. In March 2001, the Government and the secessionist Movement of Democratic Forces of the Casamance (MFDC) signed two peace agreements designed to end the 20-year insurgency. Although these agreements proved ineffective, there was a considerable reduction in the level of violence in the Casamance during the year. The Constitution provides for an independent judiciary; however, in practice it is subject to government influence and pressure.

The armed forces are professional, generally well disciplined, and firmly under civilian control. The police and the paramilitary gendarmerie are somewhat less professional and disciplined. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed serious human rights abuses.

The country is predominantly agricultural with approximately 60 percent of the labor force engaged in agricultural work and 20 percent engaged in fishing. The economy is market-based with substantial foreign investment, particularly in the tourism sector. In 2002, the population was estimated at 9.9 million, 33 percent of which was urban and 67 percent rural. Per capita gross domestic product was estimated at approximately \$500, but this figure excludes the large informal economy. The Government continued to implement a series of economic policy reforms to enhance competitiveness by dismantling monopolies, liberalizing markets, and privatizing several state-owned industries. Inflation averaged 2.2 percent in 2002, after averaging 3.0 percent in 2001. The Government received external assistance from international financial institutions and other sources, amounting to 32 percent of the national budget.

The Government generally respected its citizens' rights; however, there were problems in some areas. Government forces were responsible for several deaths during the year, and several disappearances from previous years remained unsolved. At times, police tortured and beat suspects during questioning and arbitrarily arrested and detained persons. Prison conditions were poor. Impunity remained a problem. Lengthy pretrial detention largely due to an overburdened judiciary is a problem. Human rights advocates and nongovernmental organizations (NGOs) continued to report a decrease in arbitrary arrests and random violence in connection with the Casamance insurgency. The Government, at times, limited the freedoms of speech and association. Domestic violence and discrimination against women, female genital mutilation (FGM), child labor and trafficking in persons remained problems.

There were reports that rebel MFDC forces committed killings, torture, and rape.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no political killings; however, government forces reportedly were responsible for several civilian deaths. On February 23 in Mandina Mancagne, a village in the Casamance that has been resettled since the decline in

violence, the military shot and killed a man who reportedly failed to stop after receiving warnings.

There were no further developments in the October 2002 shooting of a civilian at a roadblock by a government soldier.

During the year, no large-scale confrontation between government forces and rebels was reported in the Casamance region; however, the press continued to report frequent armed robberies attributed to MFDC rebels. The most serious incident took place on August 11, when 10-armed men stopped 6 passenger vehicles in the village of Djegoune and robbed the passengers. The gunmen isolated three men whose names indicated that they were not from the Casamance and shot them, killing two and leaving the third for dead.

b. Disappearance

There were no reports of politically motivated disappearances during the year.

According to Amnesty International (AI), MFDC rebels detained six fishermen in July 2002 on the banks of the Casamance River near the village of Brin. One man with a name indicating he was from the Casamance was freed; the others were not seen again.

Disappearances from previous years remained unresolved.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such treatment; unlike in previous years, there were no credible reports that police and gendarmes beat and tortured suspects during questioning and pretrial detention during the year. However, this remained a serious concern. Despite stronger legal provisions against torture, the Government was reluctant to prosecute members of the security forces accused of torture.

The local chapter of the human rights organization African Assembly for the Defense of Human Rights (RADDHO) reported that the May 2002 case of Alioune Sow, who was beaten in the suburban Dakar police station of Guediawaye, was dropped following pressure from the policeman and Sow's family.

There were instances of unknown assailants attacking government offices and opposition politicians. For example, in July, a heavily armed group of approximately 20 men attacked the customs office in the village of Sare Ndiaye on the Gambian border; one officer was injured.

On October 5, unknown assailants brutally attacked Talla Sylla, leader of the opposition party Jef-Jel and vocal critic of President Wade. Sylla was evacuated to France to obtain medical treatment for his injuries. No arrests were made in the case, and the police were investigating the identities of Sylla's attackers at year's end.

During the year, the police on occasion beat journalists (see Section 2.a.).

Prison conditions were poor and prisons remained overcrowded. Food and health care were inadequate, but there were no reported deaths in prison as a result of these conditions.

In April, RADDHO and the local press reported that 26-year-old Alioune Badara Mbengue, who was held in pretrial detention since 1999 at Dakar's Central Prison, was handcuffed and tortured by prison guards in November 2002, resulting in amputation of both of his arms. Six prison guards were arrested but subsequently freed after fellow guards went on strike. The case was pending at year's end.

Women were held separately from men and juveniles were housed separately from adults. Although pretrial detainees were usually held separately from convicted prisoners, as required by law, they were occasionally kept with convicted prisoners due to limited space.

The Government permits prison visits by independent human rights monitors. During the year, local and international human rights groups such as RADDHO, the National Organization for Human Rights, and the International Committee of the Red Cross (ICRC) visited prisons. A delegation of the National Assembly, led by the Chairman of the Human Rights and Rule of Law Network, also visited prisons. However, the Secretary General of RADDHO noted some difficulties securing authorization to visit prisons after the Mbengue incident.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, the authorities at times arbitrarily arrested and detained persons.

The police force contains 10 departments as part of the Directorate General of National Safety. In each of the country's 11 regions, police have at least 1 police station and at least 1 mobile safety brigade. Dakar has more than 15 police stations, which are spread throughout the city's districts. Most of the chiefs of police were well-educated and well-trained. A foreign government has also helped facilitate training of the police force in a number of areas such as crisis response, airport security, hostage negotiation, and trafficking in persons.

The Government generally did not try or punish members of the military, gendarmerie, or police for human rights abuses; however, authorities punished corruption. In August a chief of police was removed from his position and was being held for charges of corruption at year's end.

Although the law specifies that warrants issued by judges are required for arrests, the law also grants the police broad powers to detain prisoners for lengthy periods of time before filing formal charges. Police officers may hold suspects without filing formal charges for up to 48 hours after arrest, up to 96 hours if authorized by a public prosecutor, and up to 192 hours in cases involving threats to state security. During the first 48 hours of detention, the accused has no access to an attorney but has the right to a medical exam and possible access to family. If necessary, a prosecutor can also demand a medical examination of the accused. The accused has the right to an attorney after this initial period of detention. Bail is possible, but was rarely used.

The accused may not be held in custody for more than 6 months pending trial for minor crimes. In cases involving murder, threats to state security, and embezzlement of public funds, there are no limits on the length of pretrial detention. Judges are allowed the time necessary to investigate these more serious cases. A court may review such extensions on appeal. Judges have the right to order release pending trial without the prosecutor's consent.

The authorities may detain a prisoner for long periods while building their case; police were rarely prosecuted for violations of arrest and detention procedures. Prisoners were routinely held in custody unless and until a court demanded their release. Despite the 6-month limit on detention for most crimes, the average time between charging and trial was 2 years. In 2002, a local newspaper published a letter to President Wade from Elhadj Der, one of several persons held in pretrial detention for up to 12 years, asking the President to intervene so that they can stand trial. There were no reports of progress in scheduling their trials by year's end.

The Government continued to detain foreigners in police custody who have finished serving prison sentences and who should be repatriated. On August 11, a local newspaper reported that 19 Africans and 1 European who had finished serving their sentences were transferred to "administrative detention" in Dakar's central police station until the papers expelling them from the country were signed. The article noted that the detention was mainly due to a lack of funds to purchase plane tickets for their repatriation.

During the year, military authorities in the Casamance region made an effort to reduce the number of human rights abuses committed by security forces under their command. Although NGOs confirmed that there were fewer complaints of arbitrary arrests, lengthy detention, and abuse during detention, there were no available statistics. In comparison with previous years, NGOs in the Casamance reported a significant decrease in the number of detentions of suspected MFDC rebels claimed by local families. However, in its 2002 annual report, AI stated that 40 persons, some allegedly in possession of light weapons, were arrested and charged with collaborating with the MFDC. Reportedly, only those convicted of "blood crimes" or murder remained in prison at year's end. The others reportedly were pardoned by President Wade and freed in March and April.

The Constitution prohibits forced exile, and it was not used.

e. Denial of Fair Public Trial

The Constitution provides for a judiciary independent of the executive, the legislature, and the armed forces; however, in practice the judiciary was subject to government influence and pressure. Low pay, poor working conditions, and family and political ties made magistrates vulnerable to outside pressure. The press reported two cases in which the executive branch influenced the justice system: A judge who refused bail 10 times for pro-government union leaders and prison guards who were arrested in connection with the Mbengue case, were removed from their positions (see Sections 1.c. and 6.a.). Ministry of Justice officials have substantial authority to influence judicial procedures by keeping suspects in pretrial detention.

Based on French civil law, the legal system is composed of ordinary courts and several higher and special courts, including the Council of State, the Constitutional Council, the Court of Final Appeal, and the Accounting Court. These courts remained understaffed, and many of the special courts, including those that deal with unlawful enrichment, treason, and official malfeasance were dormant. Although Muslims have the right to choose customary or civil law for certain civil cases, such as inheritance and divorce, customary law cases are decided by civil court judges. There is a separate system of military courts for the armed forces and gendarmerie. The right of appeal exists in all courts except military courts and the special Unlawful Enrichment Court. Military courts may try civilians only if they were involved with military personnel who violate military law.

Defendants are presumed innocent and have the right to public trials, be present in court, confront witnesses, present evidence, and have an attorney. Some defendants were denied legal representation at public expense due to a lack of funds. Evidentiary hearings may be closed to the public and the press, but defendant and counsel have access to all evidence presented and may introduce their own evidence before the investigating judge decides to refer a case for trial. A panel of judges presides over ordinary courts in civil and criminal cases. Jurors also sit on the panels during special sessions of the criminal court.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits arbitrary invasion of the home, and the Government generally respected this prohibition in practice. The law requires search warrants issued by judges, and there were no reports during the year that the police proceeded without the requisite warrant.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, at times the Government limited this right in practice.

Regularly published magazines and newspapers, including foreign publications, covered a wide range of opinions. Political and economic views expressed in the independent press often were critical of the Government and its programs. Publishers are required to register prior to starting a publication; however, Government approval was routine.

Radio was the most important medium of mass information and the main source of news for citizens outside urban areas. Of the 32 privately owned radio stations, 24 were regular commercial enterprises and 8 were non-commercial radio stations, set up by communities to broadcast community information and provide information on a variety of topics. There were also three international stations that rebroadcast within the country. All of the locally owned stations broadcast national news and political commentary. Some were frequently critical of the Government, but no government harassment was reported.

A government monopoly controlled local television, an important source of news. While there were no privately owned domestic television stations, French-owned and South African-owned pay television systems were readily available but offered no local news.

On January 22, police beat Ibrahima Fall, a journalist for the daily Info 7, while he attempted to cover the demolition of shops by government authorities at the Soumbédioune handicraft market in Dakar.

During the year, opposition members and journalists increasingly reported that they were threatened and harassed after criticizing the President. For example, in July, Abdou Latif Coulibaly, director of the independent radio station Sud FM, received anonymous death threats following publication of his book critical of President Wade. The Government subsequently provided him protection. At the same time, a libel suit against Coulibaly was reopened. Coulibaly's 3-month sentence was suspended in 2002 after review by the Court of Appeals. The Court of Appeals heard the case on December 8 and the decision was pending by year's end.

On October 24, a French journalist for Radio France International (RFI) was expelled from the country for her controversial reporting of the conflict in the Casamance and alleged interference in the country's internal affairs. In response, RFI temporarily suspended activities in the country.

The case against Alioune Fall, editor-in-chief of Le Matin newspaper, for reporting false news was dropped during the year.

On July 24, the High Audiovisual Commission (HCA), the country's media watchdog, criticized the government-run TV station RTS for not covering events that would likely embarrass the Government, such as a strike by prison guards and the suicide of a Muslim religious leader, Khadim Bouso.

The Government did not restrict access to the Internet. The country had at least nine Internet service providers, including providers offering high-speed Internet access and continued to pursue development of information systems. A personal account with unlimited access costs approximately \$17 (10,000 CFA francs) per month. Dakar had numerous cybercafes for those unable to afford personal accounts, and they also existed in many regions outside Dakar.

The Government generally did not restrict academic freedom. Unlike in the previous year, there was no informal ban on student meetings.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly, and the Government generally respected this right in practice. Prior authorization for public demonstrations is usually granted.

In previous years, the Government frequently denied permission for marches by the opposition or forcibly dispersed them. During the year, the Government approved most requests, but usually excluded downtown and shopping areas, citing security concerns. The Government permitted demonstrations against political violence in November.

A policeman arrested and charged with killing a student at the University of Dakar during a 2001 demonstration, was tried on August 5. The court considered the evidence weak and dropped all charges. The policeman, who spent 20 months in pretrial detention, was considered by the press to be a scapegoat. The case remained open at year's end.

No new developments were reported in the 2002 case of a television cameraman beaten by police during a demonstration.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. However, on March 26, the Ministry of the Interior notified the Association of Families of the Victims of the Joola, a group representing families of the more than 1,800 persons who died during the September 2002 sinking of the Joola ferry, that the law mandated their association be dissolved. On July 15, the police questioned key leaders of the association in an attempt to force them to give their assets to a new, government-backed association of families of victims. NGOs and human rights organizations protested this action. The original group continued its activities, and police interference stopped after the group filed a court case. However, the Government sent the association a notification that it must vacate the offices given to them by the Government. The association had not vacated the property by year's end.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. Any group--religious or otherwise--that wants to form an association with legal status must register with the Ministry of Interior in accordance with the civil and commercial code. Registration was generally granted.

During the year, a group of Muslim intellectuals and leaders presented to the Government draft legislation on the creation of Islamic Family Law based on Shari'a, applicable to all Muslims in the country. The Government and many elements of civil society rejected the proposed draft as a threat to religious tolerance and separation of religion and state.

RADDHO and local press reported that on August 10 and 17, youth from the neighborhood of Dieuppeul III in Dakar attacked the Assembly of God of Bethel church. Those responsible for the attack complained that chanting from the church prevented them from sleeping, they subsequently stoned members of the congregation, injuring five worshippers, including an 11-year-old boy. The pastor said they had received threats before the attack and had complained to the local police station, but no action was taken. RADDHO severely criticized these acts and the

lack of tolerance of 50 local residents who before the attack had signed a petition demanding that the Assembly stop its religious activities.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. Some public employees, including teachers, are required by law to obtain government approval before departing the country, although this was enforced only on occasion.

At times, usually during sweeps for MFDC rebels, the security forces temporarily restricted access to or within the Casamance region. The security forces also maintained regular checkpoints in the Ziguinchor region of the Casamance to screen for MFDC rebels and arms transports. Security forces generally allowed travelers to proceed after checking documents and searching vehicles. There were military checkpoints in the Casamance on the road to Cap Skiring and on roads leading to the Gambian border. Roads were closed from 6:30 p.m. until morning.

MFDC rebels sought to extort supplies and money from civilians in the Casamance. Several times during the year MFDC rebels stopped passenger vehicles and robbed passengers (see Section 1.a.).

During the year, the Government helped reconstruct villages to enable refugees and internally displaced persons (IDPs) to return to their homes in the Casamance. In May, security forces transported approximately 400 refugees from the Gambian border to Ziguinchor, where they received aid, and then were returned to their native villages. The reduction of violence in the Casamance during the year has resulted in fewer refugees and IDPs.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other such humanitarian organizations. Since 1989, the country has offered temporary protection for Mauritanian refugees, who generally lived in dispersed locations along the Mauritanian border and enjoyed free movement within the country. However, most could not obtain current refugee documents from the authorities and sometimes encountered administrative difficulties when using their expired refugee application receipts. While no formal repatriation agreement existed, both governments cooperated to permit generally unsupervised and largely informal repatriation. The exact number of remaining Mauritanian refugees was not known. Several hundred Bissau-Guinean refugees remained in the country. As of August, the UNHCR regional office in Dakar had registered 235 Liberian refugees in the country.

On July 18, the Government extradited to Mauritania Lieutenant Didi Ould M'Hamed, who had fled to the country after allegedly having participated in the June attempted overthrow of the Mauritanian president. Fearing that Didi would be tortured in Mauritania, local human rights organizations protested the extradition, which had been approved by the Court of Appeals.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the constitutional right to change their government through periodic multiparty elections, which they exercised during the 2000 presidential election that ended the Socialist Party's 40-year domination of government. After 26 years in the opposition, Abdoulaye Wade, backed by a coalition of opposition parties, defeated the incumbent president in what was considered to be a free and fair election. There were reports of several incidents of pre-election violence and minor procedural irregularities. In a 2001 national referendum, 94 percent of voters accepted a new Constitution. There were 72 legally-registered parties.

In August, the National Assembly created the High Council of the Republic (Haut Conseil), a consultative body of 90 appointees to advise the President and the Government on social and economic issues, as well as conflict resolution. The High Council is a combination of the former Senate and the Economic and Social Council, both of which existed under the previous constitution.

In the 2001 legislative elections, the President's coalition won 49.6 percent of the vote and 89 of 120 seats in the National Assembly. International and national observers characterized the elections as free and transparent. In 2002, the President's coalition won 52 percent of the vote in the first local elections held since 1996. This resulted in the control of 281 of the 441 rural, regional, and city councils by President Wade's governing coalition.

The National Electoral Observatory (ONEL) was established to oversee and supervise elections. The Ministry of the Interior remains responsible for the actual organization and implementation of elections, but ONEL has the power to order bureaucrats to obey electoral laws and initiate legal action against individuals and parties who violate these laws. ONEL presents a report on its findings after every election. The President appoints ONEL members during electoral years and discharges them by presidential decree after they deliver their report.

Although there are no legal bars for women to participate in politics, cultural and educational factors existed as barriers to participation. However, there were 7 female ministers in the 34-member Cabinet, and the number of women on electoral lists for local elections increased. There were 23 women in the 120 member National Assembly. In March 2001, President Wade named the first woman Prime Minister, Mame Madior Boye. Mr. Idrissa Seck replaced her in November 2002. Nevertheless, parties often ranked women low on electoral lists, making it hard for them to win a seat in the National Assembly (a prerequisite for being named a Minister).

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of human rights groups generally operated without government restriction, investigating and publishing their findings. Government officials generally were cooperative and responsive to their views.

The Government's National Committee on Human Rights has members from the Government and civic organizations, including private human rights groups. It may investigate abuses, including torture, on its own initiative.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution states that "men and women shall be equal in law" and prohibits discrimination based on sex, race, class, or language; however, sex discrimination was widespread and the anti-discrimination laws often were not enforced.

Women

There were credible reports that domestic violence against women, usually wife beating, was common. According to a study funded by the Canadian Center for International Research and Development done in Dakar and Kaolack in 1996, 87 percent of 515 women interviewed had suffered from some form of domestic violence. It also showed that domestic violence was more prevalent in the capital than in Kaolack. Police usually did not intervene in domestic disputes, and most persons were reluctant to go outside the family for redress. Domestic violence is punishable by a prison term of up to 5 years and a fine of \$825 (500,000 FCFA).

In contrast, society viewed rape as a very serious crime, and the law stipulates that persons convicted of rape may be imprisoned for up to 10 years. If the victim is a minor, age is considered an aggravating circumstance. Rape trials often resulted in convictions. Sexual harassment is punishable by a prison term of up to 3 years and a fine of \$825 (500,000 FCFA).

FGM was not practiced by the Wolof, the largest ethnic group (43 percent of the population), but was performed on girls of most other ethnic groups. Sealing, one of the most extreme and dangerous forms of FGM, was sometimes practiced by the Toucouleur, Mandinka, Soninke, and Bambara, particularly in rural areas. In the regions of eastern Saint-Louis, Matam, Tambacounda, Ziguinchor, and Kolda, where FGM was most prevalent, it was estimated that the majority of girls undergo FGM. FGM is a criminal offense under Senegalese law, carrying a jail term of 6 months to 5 years for those directly practicing FGM or ordering it to be carried out on a third person. The trials in a 2002 and a 2001 case against persons performing FGM were pending at year's end.

The Government had programs to educate women about the dangers of FGM, and there were national and local governmental action plans against FGM, piloted by the Ministry of Family, Social Development, and Solidarity. Much progress was made in reducing the practice of FGM in the country. On March 30, 108 villages in the southeastern region banned the practices of FGM and underage marriages in their communities; on September 20 and 21, 202 villages prohibited the practice of FGM and underage marriages. In October, 13 villages in the northern region also banned FGM. Since 1997, 1,031 villages have prohibited FGM, constituting over 20 percent of the estimated 5,000 villages that had practiced FGM in the country. Those villages that have declared themselves against FGM have undertaken extensive basic education programs, social mobilization activities, and inter-village and inter-generational awareness programs.

Women faced pervasive discrimination, especially in rural areas where Islamic and traditional customs--including polygyny--and rules of inheritance were strongest. Under national law, women have the right to choose when and whom they marry, but traditional practices restricted a woman's choice. The minimum age of consent to marry is 21 years for males and 16 years for females. Under certain conditions a judge may grant a special dispensation for marriage to a person below the age requirement. This law was not enforced in some communities where marriages were arranged. Under family law, the woman's consent is required for a polygynous union, but once in a polygynous union, a woman need not be notified or given prior approval to the man's subsequent marriage. Women were discriminated against in obtaining educational opportunities. Only 23 percent of women over 15 years of age were literate, compared with 43 percent of men.

Only an estimated 20 percent of women have paid employment, and traditional practices made it difficult for women to obtain bank credit. Due to the fact that men are legally considered the head of household, women paid higher taxes than men for the same salary (they were taxed as single individuals without children) and employers paid child allowances to men but not to women. Women typically married young (usually by the age of 16 in rural areas) and averaged 5.7 live births. An estimated half of all women were in polygynous marriages.

In urban areas, women encountered somewhat less discrimination and were more active in government, politics, and business. Approximately 14 percent of lawyers were women. Urban women were more likely to benefit from government efforts to improve the respect for women's legal rights to divorce, alimony, and child support, and to seek education and employment. Urban women usually received equal pay for equal work.

Children

The Ministry of Family, Social Development and Solidarity is responsible for promoting children's welfare and is assisted by the Ministry of Health and the Ministry of Education, which focus on child survival and education. The Government continued to increase the number of classrooms and encouraged more children, particularly girls, to enter and stay in school. However, girls were still discriminated against in obtaining educational opportunities. Only 23 percent of women over 15 years of age were literate, compared with 43 percent of men.

Although educational policy declares education to be compulsory, free, and universal for children until the age of 16, compulsory attendance was not enforced. Approximately 75 percent of boys and 67 percent of girls were enrolled in primary school.

FGM was performed primarily on young girls (see Section 5, Women).

The imprisonment for convicted pedophiles was up to 10 years.

Persons with Disabilities

There are no laws that mandate accessibility for persons with disabilities, and most persons with disabilities were unable to perform the physically-intensive jobs available in the country. There was also a lack of equipment and training opportunities for persons with disabilities.

National/Racial/Ethnic Minorities

The largest ethnic groups are the Wolof (more than 40 percent of the population), the Pular (also called Peuhl or Fulani, nearly 25 percent) and the Serer (more than 15 percent). Smaller groups include the Diola, Mandingo, and Soninke. Each group has its own primary language, but French and Wolof were used widely among all ethnic groups. While general regions of origin can be identified for most ethnic groups, these geographical areas are no longer distinct.

The Casamance region of the country, which lies south of the Gambia, is substantially less arid, less Islamic, and fewer Wolofs resided there than the rest of the country. Resentment on the part of Casamancais groups, including the Diola, of domination by northerners, including the Wolof, reportedly has contributed significantly to the MFDC rebellion in the Casamance, which began in 1982 and has led to many human rights abuses (see Sections 1.a. and 1.d.). During the year, there was considerably less violence in the Casamance, and at an October conference of the MFDC, the MFDC leadership declared that it no longer sought total independence from Senegal but emancipation. The two sides had not yet entered into a formal peace process by year's end.

Section 6 Worker Rights

a. The Right of Association

The Constitution and the Labor Code provide all workers with the right of association and the freedom to form or join unions. The Labor Code requires the Minister of the Interior to give prior authorization before a trade union can exist legally, and the Government can also dissolve trade unions by administrative order. The International Labor Organization (ILO) continued to oppose these limitations on the freedom of association.

Any group of workers in the same occupation or profession, or in similar trades, may form a union. The Government may disband a union if its activities deviate from its charter.

The Labor Code does not apply to the informal and agricultural sectors. Approximately 60 percent of the population was engaged in agricultural work, and 40 percent of urban youth was officially unemployed. The small industrial component of the total work force of 4 million was almost totally unionized. The only union in the agrarian sector represented workers at a privately owned sugar company. Although they represented a small percentage of the working population, unions wielded significant political influence because of their ability to disrupt vital sectors of the economy.

The National Confederation of Senegalese Workers (CNTS), the largest union, had close ties to the Socialist Party (PS). While ostensibly an independent organization, the CNTS backed the PS and its policies throughout its 40 years of government control. After President Wade entered office in 2000, the CNTS' support for the PS became a source of tension with Wade's supporters. In an attempt to secure union backing for the PDS, President Wade facilitated the split of the CNTS into two separate unions: The CNTS and the National Confederation of Senegalese Workers-For Change (CNTS-FC), which supported President Wade and the PDS.

In 2002, individuals attacked and burnt the CNTS headquarters. One man died, and others were severely burned. The police arrested nine persons, including Cheikh Diop, a leader of the CNTS-FC, for the attack. Diop's lawyers tried unsuccessfully to obtain bail 11 times. The press reported that 1 of the judges who did not yield to government pressure and rejected 10 of the requests for bail was removed from his position as Dean of Judges. Six defendants were convicted of unlawfully demonstrating, and three were acquitted. They received sentences of 18 months in prison, which was equivalent to the time they had served in pretrial detention.

The National Union of Autonomous Labor Unions of Senegal (UNSAS) was the main rival of the CNTS. UNSAS is a federation of strategically important unions: Electrical, telecommunication, hospital, railroad and sugar workers; teachers; and hydrology technicians. The third major labor federation is the Confederation of Autonomous Workers.

There are legal prohibitions governing discrimination by employers against union members and organizers. Employers guilty of anti-union discrimination must reinstate workers.

The labor code permits unions to affiliate internationally. The CNTS was active in regional and international labor organizations and was the dominant local member of the Organization of African Trade Union Unity. The CNTS was also a member of the International Confederation of Free Trade Unions (ICFTU).

b. The Right to Organize and Bargain Collectively

The law provides unions with the rights to organize and to bargain collectively, and these rights are protected in practice. The ICFTU 2002 survey noted that the national trade union centers were able to bargain successfully with the Government. There were no known cases of workers being prevented from exercising the right to organize and bargain collectively. The Ministry of Labor (MOL) may intervene in disputes between labor and management, if requested. It also plays a mediation role in the private and state enterprise sectors.

The Constitution and the Labor Code provide for the right to strike, but with significant restrictions. Unions representing members of the civil service must notify the Government of their intent to strike at least 1 month in advance; private sector unions must make a similar notification 3 days in advance. The Government or the employer can use the time to seek a settlement to the dispute through mediation, usually through the MOL, but they cannot stop the strike. The provision in the Constitution that a strike may neither infringe upon the freedom to work nor imperil the enterprise involved has not been tested. The Government has the power to requisition workers from both private enterprises and public services for the safety of persons and goods, the maintenance of public order, the continuity of public services, or to meet essential needs. There were no illegal strikes during the year.

Labor laws apply to all industrial firms, including those in the Dakar Industrial Free Trade Zone.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or compulsory labor, including by children; however, there were some reports of forced child labor (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution bans the exploitation of child labor, and the Government enforced this ban in the formal sector; however, there were some reports that forced child labor occurred. The Government passed regulations after its ratification of ILO Convention 182 to address the problems of child labor in the informal sector, including regulations defining the nature of hazardous occupations forbidden to children and young people; defining and prohibiting the worst forms of child labor; and defining categories of work forbidden to children and mandatory age limits for the ban. Children under the age of 15, the minimum age for employment, frequently worked in the much larger traditional or informal sectors, particularly on family farms in rural areas or in small businesses where the Government does not enforce minimum age or other workplace regulations. MOL inspectors closely monitored and enforced minimum age rules within the small formal-wage sector, which included state-owned corporations, large private enterprises, and cooperatives.

Some religious instructors in Koranic schools brought children from rural areas to Dakar and held them under conditions of involuntary servitude to earn both their living expenses and to support their teachers.

In 1998, the country began a 3-year implementation program to eliminate child labor through the International Program for the Elimination of Child Labor (IPEC). Originally scheduled to end in 2001, the national program implemented by IPEC ended in December.

e. Acceptable Conditions of Work

The law mandates a monthly minimum wage, and the Ministries of Labor and Finance determine wage rates after negotiating with the unions and management councils. The minimum wage of \$0.37 (223.7 FCFA) per hour did not provide an adequate standard of living for a worker and family.

Within the formal sector, the law mandates for most occupations a standard workweek of 40 to 48 hours with at least one 24-hour rest period, 1 month per year of annual leave, enrollment in government social security and retirement plans, safety standards, and other measures. These regulations are incorporated in the Labor Code and are supervised by MOL inspectors; however, enforcement was uneven, particularly outside of the formal sector.

While there are legal regulations on workplace safety, they often were not enforced. There is no explicit legal protection for workers who file complaints about unsafe working conditions. Although workers have the right to remove themselves from unsafe working conditions, it was seldom exercised due to high unemployment and a slow legal system.

f. Trafficking in Persons

The law prohibits the sale of persons, abduction, and hostage taking but does not specifically address trafficking in persons, and there were occasional reports of the trafficking of women for labor or sexual purposes. In September 2002, the office of the Human Rights Commissioner coordinated the country's national strategy against trafficking in persons. In May, the Government signed an agreement with a foreign government to train members of the gendarmerie and the national police in an effort to enhance the Government's capabilities to prevent trafficking in persons.

The country was a source and transit country for women and girls trafficked to Europe, South Africa, and the Middle East for sexual exploitation and a destination country for children trafficked from surrounding countries. Nigerian criminal organizations use Dakar as a transit point for women trafficked for purposes of prostitution to Europe, particularly Italy.